

REMARKS

Claims 1-26 were presented for examination. Claims 1-26 have been rejected. Claims 1, 4 and 7 have been amended. Claims 27-29 have been added. Claims 1-29 are now pending in the application, and claims 1, 7, and 29 are independent. Any rejection with new art should be a non-final rejection.

Claim Amendments

Claims 1, 4, and 7 have been amended to more clearly set forth the subject matter being claimed. Claims 27-29 have been added. Claims 27 and 28 depend from claim 7 and claim 29 is independent. The support for these amendments can be found on page 5, line 28 through page 6, line 37 and throughout the specification.

Allowable Subject Matter

The Examiner has indicated that claims 12-21 and 25-26 may be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 1st and 2nd paragraph, the rejection under 35 U.S.C. 101 and to include all the limitations of the base claim and any intervening claims from which they depend. Applicants would like to thank the Examiner for this indication.

Rejections under 35 U.S.C § 112**Claims 1-26**

The Office Action rejects claims 1-26 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants herein amend claims 1 and 7 to claim a computerized reservation system for making time-specific reservations of fungible items. Applicants believe that these amendments clarify the subject matter being sought and are supported by the specification and addresses the issue the Examiner had with the claim. As such, Applicants respectfully request that the rejection of claims 1-26 under 35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

Claim 4

The Office Action rejects claims 4 and 7-26 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants herein amend claims 4 and 7 to clarify the subject matter being claimed.

Claim 4 has been amended to recite that the individual service provider's reservation system is installed over a local area network. Applicants believe that this amendment addresses the issue that the Examiner had with claim 4. As such, Applicants respectfully request that the rejection of claims 4 under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

Claim 7-26

Claim 7 has been amended to recite that the computerized reservation system executes computer readable instructions to cause a processor of the computerized reservation system to divide the time period of availability of each fungible item into time consecutive blocks of a predetermined duration so as to provide a plurality of sets of said consecutive blocks representing the total availability of the plurality of fungible items within the time period of availability, wherein the computerized reservation system accepts a time-specific reservation request if at least one time consecutive block is available for each part of the time period for which the reservation is requested such that time consecutive blocks relating to more than one of the fungible items may be combined to provide the reservation. Applicants believe that the amendment addresses the issue the Examiner had with the claims. As such, Applicants respectfully request that the rejection of claims 7-26 under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

Rejections under 35 U.S.C § 101

The Office Action rejects claims 1, 5, and 7-26 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants herein amend independent claims 1 and 7 as set forth above.

Claims 1 and 5

Amended claim 1 now recites a link for communicating between the central reservation provider computer system and the respective individual service providers computer system,

wherein a first portion of the available reservations from each individual service provider are held by the central reservation provider and a second portion of the available reservations from each individual service provider are held by that respective individual service provider and, when a reservation requested from either the central reservation provider or an individual service provider is not available from that provider or when the portion of available reservations held by either the computing system of the central reservation provider or the computing system of the individual service provider drops below a predefined minimum level at any time, the link between the central reservation provider computing system and the individual service provider computing system is activated by one of the computing systems of central reservation provider and individual service providers. This amendment clarifies that the link is between computer systems and activated by the computer systems. As such the Applicants believe that amended claim 1 and claim 5 overcome the rejection and respectfully request that the rejection of claims 1 and 5 under 35 U.S.C. § 101 be reconsidered and withdrawn.

Claim 7-26

Claim 7 has been amended to that the computerized reservation system executes computer readable instructions to cause a processor of the computerized reservation system to divide the time period of availability of each fungible item into time consecutive blocks of a predetermined duration so as to provide a plurality of sets of said consecutive blocks representing the total availability of the plurality of fungible items within the time period of availability, wherein the computerized reservation system accepts a time-specific reservation request if at least one time consecutive block is available for each part of the time period for which the reservation is requested such that time consecutive blocks relating to more than one of the fungible items may be combined to provide the reservation. Applicants believe that the amendment addresses the issue the Examiner had with the claims. As such, Applicants respectfully request that the rejection of claims 7-26 under 35 U.S.C. § 101 be reconsidered and withdrawn.

Rejection under 35 U.S.C § 102

The Office Action rejects claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,477,503 to Mankes ("Mankes"). The Office Action rejects claims 7-11 under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application

Publication No. 2002/0032588 to Glazer *et al.* ("Glazer"). Applicants traverse the rejection to the extent it is maintained against amended claims 1 and 7.

Claims 1-5

Mankes fails to disclose each and every element of claims 1-5. Specifically, Mankes fails to disclose that when a reservation requested from either the central reservation provider or an individual service provider is not available from that provider, that there is any activation of a link between the two providers by one of the computing systems to transfer available reservations from one provider to the other, in the way claimed in claim 1. Mankes also fails to disclose fungible items.

Mankes is directed to the event vendor's entire inventory residing at and being controlled at the local point of sale site. The system also replicates a portion of the inventory on a central reservation server so that purchasers have the option of buying the events from that source. When the reservation server receives a prospective reservation from a consumer over the internet, it informs the local event server, which accepts it if the reservation is available, removes the item from its inventory and then communicates the updated inventory to the remote server. The remote server then gives a confirmation to the consumer. Also, when a reservation is made directly at the local event server and there is availability, the reservation is made and the updated inventory is replicated on the remote server. The local event server maintains total control over the inventory while allowing internet based reservation systems to see the availability of a portion of the inventory through the remote server (column 3 line 6 to 19). In this way, the local event owner can supplement on-site sales with remote sales while retaining control and ownership of the inventory (column 6 lines 4 to 6). The amount of inventory to be posted on the reservation server is determined by the local site owner, who using his knowledge of local conditions, will know how much he needs to reserve for the local event server.

In Mankes the reservation server is a slave unit to the local event server. In the present invention, the central reservation provider and individual service provider have their own allocation of fungible time blocks to sell. When one runs out of available reservations or runs close to running out, a link is activated to the other of the providers to trade the available fungible items. This is not disclosed in Mankes. In Mankes, when the reservation server has

sold its allocation, the consumer purchasing from that source will see that all the available reservations are taken. There is no suggestion that the reservation server asks the local event server for more availability. There is also no suggestion that the items being reserved are fungible.

Claims 2-5 depend directly or indirectly from allowable claim 1 and recite further limitations thereon. As such, for at least those reasons set forth above Mankes fails to anticipate claims 2-5. Therefore, Applicants respectfully request that rejection of claims 1-5 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Claims 7-11

Glazer fails to disclose each and every element of claims 7-11. Specifically Glazer does not disclose a computerized reservation system for reserving one or more time-specific blocks of a plurality of fungible items as set forth in amended claim 7.

Glazer is directed to an internet-enabled scheduling system for making time-specific reservations for service providers such as a doctors' or dentists' office. The schedule for each sponsoring organisation is held on a central controller through which customers are invited to schedule an appointment. This appointment can be made by directly communicating with the central controller on the internet, where the customer is presented with a customised URL showing the schedule cut up into contiguous time-slots, which are at least shorter than the appointment duration, and identifying the availability of possible appointment start-times within those time slots. This available start-time slots depend on the availability of the doctor, resource availability, appointment duration and opening and closing times. Thus the scheduling system of Glazer is non-fungible resource-specific and the customers schedule appointments directly with a specific doctor by an available appointment start-time in his schedule.

In contrast, the present invention as set forth in claim 7-11 provides the ability to reserve a plurality of fungible items. Thus, Time consecutive blocks from more than one of the plurality of fungible items can be combined to provide the requested total reservation time. For example, if a restaurant has three tables, the availability for a reservation can be determined by combining available consecutive time blocks from each of the first table, the second table, and the third table. Glazer does not disclose this feature. Instead, Glazer only allows making a reservation

using the consecutive available time blocks for a single non-fungible item (e.g., a dentist). Therefore, Glazer fails to anticipate the invention as set forth in Applicants' amended claim 7.

Claims 8-11 depend directly or indirectly from allowable claim 7 and recite further limitations thereon. As such, for at least those reasons set forth above Glazer fails to anticipate claims 8-11. Therefore, Applicants respectfully request that rejection of claims 7-11 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejection under 35 U.S.C § 103

The Office Action rejects claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Mankes in view of United States Patent Application Publication No. 2002/0116232A1 to Rapp *et al.* ("Rapp"). The Office Action rejects claims 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Glazer further in view of Mankes. Applicants respectfully traverse the rejection.

Claim 6

Applicants argued above why Mankes fails to teach, suggest, or disclose the invention as set forth in the Applicants' claims. Those arguments apply with equal force and effect here and are reiterated in full.

Rapp is directed to an internet-based application that allows vendors to manage their appointment books and allows customers to schedule appointments with a vendor 24 hours a day from any location. Rapp fails to disclose, teach, or suggest a communication link between a central reservation provider computing system and one or more respective individual service providers computing systems that is activated when a reservation requested from either the central reservation provider or the individual service provider is not available, as set forth in Applicants' claimed invention. Rapp also fails to disclose, teach, or suggest reserving fungible items. As such, any hypothetical combination of Mankes and Rapp also fails to disclose, teach, or suggest Applicants' claimed invention. Therefore, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C § 103(a) be reconsidered and withdrawn.

Claims 22-24

Claims 22-24 depend from amended claim 7 and as such incorporate each and every element of amended claim 7. Applicants argued above why Glazer fails to teach, suggest, or disclose the invention as set forth in amended claim 7. Those arguments apply with equal force and effect here and are reiterated in full.

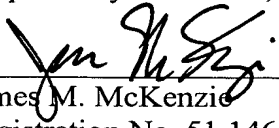
Mankes, as discussed above, fails to cure the deficiencies of Glazer with respect to amended claim 7. As such, any hypothetical combination of Glazer and Mankes also fails to disclose, teach, or suggest Applicants' claimed invention. Therefore, Applicants respectfully request that the rejection of claims 22-26 under 35 U.S.C § 103(a) be reconsidered and withdrawn.

CONCLUSION

In view of the above amendment, applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. FBU-002RCE from which the undersigned is authorized to draw.

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Respectfully submitted,

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